

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 20-847V

Filed: March 15, 2021

UNPUBLISHED

KALEE CAMBRAY, *on behalf of* S.C.,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Master Daniel Horner

Ruling on Entitlement; Concession;  
Causation-In-Fact; Haemophilus  
influenzae type b (Hib) Vaccine;  
induration; abscess; scarring

*Jerome A. Konkel, Samster, Konkel & Safran, S.C., Wauwatosa, WI, for petitioner.*  
*Naseem Kourosh, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

On July 13, 2020, Kalee Cambray filed a petition on behalf of her minor daughter S.C. for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that S.C. suffered from abscesses and granulomas resulting from adverse effects caused by S.C.’s Haemophilus Influenzae Type B (HiB) vaccinations administered on July 14, 2017, September 13, 2017, and May 8, 2018. Petition at 1.

On March 15, 2021, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 12. Specifically, Respondent “has concluded that S.C.’s indurations or abscesses and scar are compensable as a “caused-in-fact” injury under the Act.” *Id.* at 10. Respondent

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

further agrees that “the case was timely filed, that S.C. received the Hib vaccines in the United States, and that the Hib vaccines that S.C. received are set forth in the Vaccine Injury Table. In addition . . . petitioner has satisfied the statutory requirement that S.C.’s injury lasted for at least six months, as required by 42 U.S.C. § 300aa-11(c)(1)(D)(i).” *Id.* (citations omitted).

**In view of Respondent’s position and the evidence of record, I find that Petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Daniel T. Horner**

Daniel T. Horner

Special Master